

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts

D.T.E. 01-20

AT&T'S Partial Opposition to Verizon's Motion for Confidential Treatment dated October 29, 2001, Regarding Supplemental Reply to ATT-VZ 12-2

AT&T respectfully requests that, if the Department were to permit a portion of Verizon's supplemental response to ATT-VZ 12-2 to be treated as confidential, Verizon be directed to provide a redacted version for the public record that displays the non-confidential portions of the spreadsheet attached to that response.

Verizon was ordered to provide additional explanation and details regarding the forecasted right-to-use ("RTU") fees assumed in its cost study at Part G-9, Workpaper Page 1 of 3, Line 1. Verizon has now provided a supplemental reply which consists of a spreadsheet that Verizon has stamped "Proprietary." In its motion for confidential treatment, Verizon states as follows:

The attachment to the response to **Information Request ATT 12-2 Supplemental** identifies RTU fees for digital switching. If made public, the requested information could create a competitive disadvantage for Verizon MA and is vendor-related pricing information that could be of value to other providers in developing competing market strategies. In short, disclosure of the competitively sensitive material will undermine Verizon MA's ability to compete

with other providers of like services. The attachment is being produced to the parties pursuant to a Protective Agreement.

At most, this short argument might justify confidential treatment for the specific project names and amounts listed in this spreadsheet.

However, there is no basis for treating as confidential the column and section headings, the amount of the sub-total of specified projects, the amount and footnote explanation of the “adjustment,” and the resulting net total. Verizon has previously placed totals of RTU expenditures, without specific project details, upon the public record. *See* Verizon’s Cost Study at Part G-9, Workpaper Page 1 of 3, Line 1. It offers no justification for its refusal to place the sub-total, adjustment, and net total of its 2001 projected RTU fees on the public record as well.

Respectfully submitted,

Jeffrey F. Jones
Kenneth W. Salinger
Jay E. Gruber
PALMER & DODGE LLP
One Beacon Street
Boston, MA 02108-3190
(617) 573-0100

Robert Aurigema
AT&T Communications, Inc.
32 Avenue of the Americas, Room 2700
New York, NY 10013
(212) 387-5627

October 30, 2001.